

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, August 25, 2021 @ 7:00PM

Chairman McLaughlin called the meeting to order at 7:00pm.

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

Pursuant to Governor Murphy's Executive Orders #107 and 108 ordering Statewide lockdowns, and P.L. 2020, c. 34 permitting public bodies to conduct meetings via electronic means during declared states of emergency, the Regular meeting of the Borough of Harrington Park Board of Adjustment scheduled for August 25, 2021 at 7:00 p.m. is being conducted remotely from the electronic meeting platform Zoom.us. Members of the public can join the meeting and participate during the public comment period by joining the meeting using the Zoom mobile application on a smartphone or tablet, joining the meeting by laptop with microphone capabilities, or dialing in using a telephone to the Zoom teleconference system. Information on how to join the meeting electronically appears in the borough website.

CL verified that she was able to dial in to the meeting using a phone.

ROLL CALL

Roll Call	PRESENT	ABSENT
(RM) Chairman Richard McLAUGHLIN	X	
(MR) Vice Chair Michael ROTH	X	
(RB) Robert BUDINICH		X
(JC) Jin CHO		X
(SL) Steve LOTT	X	
(SM) Stephen MARTINEZ	X	
(GZ) Gail ZACCARO (alternate a)	X	
(RF) Robert FRANK (alternate b)	X	

Also present: (JS) John Schettino, Board Attorney
(CL) Carolyn Lee, Land Use Secretary

MINUTES FOR APPROVAL

July 28, 2021 minutes

Board members did not have any questions or comments regarding the minutes.

Vote to approve the July 28, 2021 minutes.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
Robert BUDINICH						X
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ	X		X			
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

INVOICES FOR APPROVAL

Law Office of John L. Schettino	Attendance at meeting - 7/28/21	\$150.00
Law Office of John L. Schettino	34 Carmen Rd. Resolution (Escrow)	\$250.00
Law Office of John L. Schettino	17 South Ave. Resolution (Escrow)	<u>\$250.00</u>
TOTAL		\$650.00

Vote to approve the invoices listed.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
Robert BUDINICH						X
Jin CHO						X
Steve LOTT	X		X			
Stephen MARTINEZ		X	X			
Gail ZACCARO (alternate a)			X			
Robert FRANK (alternate b)			X			

HEARINGS

1. 38 Downing Place - Patrick & Alexandra Kavanah (Front yard setback, side yard setback, lot coverage and bedroom variances for an addition)

Patrick and Alexandra were still under oath from the last meeting. They had nothing to add from the last meeting. The board members had no questions or comments. The meeting was open to the public. There were no raised hands or indications that they had comments. The public portion of the meeting was closed.

Vote to approve the application for a front yard setback, side yard setback, lot coverage and number of bedroom variance for an addition at 38 Downing Place.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
Robert BUDINICH						X
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ	X		X			
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

The application was approved. RM outlined the process. The verbal vote of the application will be incorporated in a written resolution that will be adopted in the September meeting. The resolution decision will be published in a newspaper. Anyone who disagrees with the decision has 45 days to file suit to have a court overturn it. There is an uncertain 45+ days. You must take steps to begin work within 9 months after the resolution is adopted; otherwise you will have to come back before the board to extend the time.

The next meeting is September 22, 2021 at 7pm. The notice of decision takes about 4 days after the meeting to be published.

RESOLUTIONS

1. 34 Carmen Road - Dan & Robyn Waraksa (Front and side yard setback variance for an addition)

The board had no questions or changes to the resolution.

Vote to adopt the written resolution for 34 Carmen Road addition.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
Robert BUDINICH						X
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ			X			
Gail ZACCARO (alternate a)	X		X			
Robert FRANK (alternate b)		X	X			

2. 17 South Avenue - Vincent Ferrentino (Front yard setback & lot coverage variance for an addition)

The board had no questions or changes to the resolution.

Vote to adopt the written resolution for 17 South Avenue addition.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
Robert BUDINICH						X
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ	X		X			
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

MEETING OPEN TO THE PUBLIC

The meeting was open to the public. No members of the public had questions or comments. The meeting was closed to the public.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 76 Kline Street - William and Jessica Falkenstern (extension of variance approval)

William and Jessica Falkenstern, 76 Kline Street, Harrington Park were sworn in. Mr. Falkenstern started work on his basement in 2018 and realized a variance was needed. The variance was granted in March 2019. He considered the basement project that started in 2018 as the same project as the variance and would be within the 9 month window. When he called for a footing inspection, he was told that he never submitted an application for a permit related to the variance and the time to apply for a permit regarding the variance had lapsed. Mr. Falkenstern is asking if he could get an extension without starting from the beginning of the application process.

SL asked if this project is related to a porch. Mr. Falkenstern said he is working on his basement and has not started working on the porch.

The notice of decision was sent to the newspaper for publishing on March 27, 2019 and would have been advertised on March 30 or 31st, 2019.

Mr. Falkenstern said the scope of the work was to enclose the basement and bump out a section for the stairwell. This would be an encroachment on the backyard setback. The stairwell would be further out than the addition above. The basement work started on 1/19/2018. The basement work included lowering the floor, putting in a few headers and footings. The first permit related to the basement was issued on 1/19/2018 and another permit 2/15/2018.

JS noted that the presentation to the board was in February 2019 and asked if the variance was a different project. Mr. Falkenstern said that they wanted to work in the confines of the house, but couldn't figure out how to get the stairwell in efficiently. In the middle of the project, they stopped and applied for a variance because of the encroachment in the setback. Mr. Falkenstern said that he is doing the work himself and would work on it a little at a time which was the cause of the delay of 9 months to a year.

SL asked if the porch was also part of the variance. Mr. Falkenstern said that it was the same variance, but at the front of the house. He did not start that yet.

RM asked how the work in the basement relates to the stairs and the front variance. Was there any extra shoring or bracing? Mr. Falkenstern said that there will be a new way into the basement from the living room. There will be framing and footings. The stairway will lead to the new basement floor. The front was extending the livingroom by 3 feet which is a separate project, but was included in the variance. The stairway depended on the height of the basement and how low it could be. Some work was performed in the basement after March 2019, but did not require inspections.

The extension of the work would include the work at the front of the yard. Mr. Falkenstern expects to complete the work in a year. There was discussion about when work started.

There was discussion about a letter for the construction official. The letter should contain that Mr. Falkenstern appeared before the board related to the officials denial because of the expiration of the variance. After hearing the testimony, the board concluded that there was work performed before the approval and the work continued after the approval and satisfied the resolution. JS was asked that the letter would confirm that the only reason for the objection was the interpretation was for the 9 month effective time for the variance and not denied for another reason.

Mrs. Falkenstern said that work has been going on at their house for years. There was a permit update for electrical work in May 2021, so there was work going on.

Vote to authorize Mr. Schettino to draft a letter to the Building Department regarding the Board's	Motion	Second	Yes	No	Abstain	Absent

decision that the work was part of the initial project that started prior to the variance approval and after the variance approval.						
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
Robert BUDINICH						X
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ			X			
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)	X		X			

The letter will be drafted by our attorney. CL will send a copy of the letter to the Falkensterns. JS said that the letter will go out, but there will be a resolution. An escrow is required. Mr. Falkenstern thanked the board for their time and consideration.

ADJOURN

Motion: RF

Second: GZ

In favor, all said “aye”. None opposed.

Meeting adjourned at 7:38pm.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
REGULAR MEETING

Wednesday, September 22, 2021 at 7pm